



JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant (s): Balko *et al.*

Serial No.: 10/816,611

Group Art Unit: 1616

Filed: April 2, 2004

Examiner: Qazi, Sabiha Naim

For: 6-ALKYL OR ALKENYL-4-AMINOPICOLINATES AND THEIR USE AS
HERBICIDES

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Sir:

Response C

This communication is in response to the Office Action dated July 29, 2005. The applicants respectfully request reconsideration of the rejection of claims 1-3, 5 and 6 and the objection to claim 4, all of which are being presented again without amendment.

Claims 1-3, 5 and 6 have been rejected under 35 U.S.C. § 112, first paragraph because the specification does not reasonably provide enablement for the compounds and methods when W represents a 5- or 6-membered aromatic ring containing one or more heteroatoms. More specifically, it is the Examiner's opinion that one skilled in the art could not practice the invention where W represents a 5- or 6-membered aromatic ring without undue experimentation. The applicants respectfully disagree.

Firstly, the applicants wish to clarify that W can represent $-NR_1R_2$ where R_1 and R_2 among other things can be heteroaryl or R_1 and R_2 taken together with the N of $-NR_1R_2$ can be a 5- or 6-membered saturated or unsaturated ring which may contain